

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:05CR118 JCH (TIA)
)	
FRED FINCHER,)	
)	
Defendant(s).)	

ORDER

This matter is before the Court on Defendant's pre-trial Motion to Suppress Evidence and Statements. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Terry I. Adelman, who filed a Report and Recommendation on June 28, 2005. Defendant Fincher submitted objections thereto on July 15, 2005.

The Magistrate Judge recommends that the Court deny Defendant's motion. Defendant Fincher objects to the Report and Recommendation on the following grounds: (1) that the Magistrate Judge incorrectly credited the credibility of St. Charles County Sheriff's Office Detective Chris Mateja over that of the Defendant and his wife; (2) that the Magistrate Judge incorrectly concluded that Defendant was not in custody at the time the alleged statements were made; and (3) that the Magistrate Judge incorrectly concluded that the Defendant's consent to the search of his computer was voluntary. After de novo review of this matter, this Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. No. 18) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant Fred Fincher's Motion to Suppress Evidence and Statements (Doc. No. 11) is **DENIED**.

Dated this 20th day of July, 2005.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE